

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
Council Chambers - Conference Room
3300 Newport Boulevard
Wednesday, June 13, 2012
REGULAR HEARING
3:30 p.m.

1. **CALL TO ORDER** – The meeting was called to order at 3:30 p.m.

Staff Present: Brenda Wisneski, Zoning Administrator
Melinda Whelan, Assistant Planner
Benjamin M. Zdeba, Planning Technician

2. **MINUTES** of May 23, 2012

Action: Approved

3. **PUBLIC HEARING ITEMS**

ITEM NO. 1 Carnation Lot Line Adjustment No. LA2011-002 (PA2011-194)
412 & 412 ½ Carnation Avenue

CD 6

Melinda Whelan, Assistant Planner, gave a brief description of the project explaining that the item was continued from the previous hearing to allow the applicant time to look into the conditions of approval. The applicant was satisfied with the proposed conditions of approval.

The Zoning Administrator opened the public hearing. James Mosher and Dan Purcel expressed concern regarding the additional area being used for parking and creating an additional curb cut on Carnation Avenue. Staff explained that per Council Policy and General Plan Policy, an additional curb cut would not be a desired design for that area along Carnation Avenue as alley access is provided. To alleviate any concern condition No. 4 was amended to add "or garages" and read as follows:

"No habitable structures or garages shall be allowed to be constructed on the vacated right-of-way area and this area shall be regulated as a front yard pursuant to the Zoning Code."

There were no other public comments. The Zoning Administrator closed the public hearing.

The Zoning Administrator determined the findings could be made and approved the draft resolution with the one change to Condition No. 4 approving Lot Line Adjustment No. LA2011-002.

Action: Approved

ITEM NO. 2 717 Larkspur Avenue Parcel Map - Parcel Map No. NP2012-003 (PA2012-029)
717 Larkspur Avenue

CD 6

Benjamin Zdeba, Planning Technician, gave a brief description of the project and noted that there was an existing duplex on the property that was demolished and a new duplex to be finalized as condominiums is currently being constructed. Additionally, it was clarified that no waivers of the Title 19 (Subdivision) standards were requested.

The Zoning Administrator opened the public hearing. Seeing that no one from the public wished to comment the public hearing was closed.

The Zoning Administrator determined the findings could be made and approved the project as presented.

Action: Approved

ITEM NO. 3

Whole Foods Market Minor Use Permit - Minor Use Permit No. UP2012-006
(PA2012-050)
415 Newport Center Drive

CD 5

Benjamin Zdeba, Planning Technician gave a brief overview of the applicant's request to establish a Type 47 (On-Sale General for a Bona Fide Eating Place) Alcoholic Beverage Control license in order to sell alcohol within two dining areas of a new Whole Foods Market. One dining area would feature a full bar in conjunction with a small menu of food items and the other dining area would sell beer and wine only in conjunction with food that is purchased from the food display counters nearby. It was explained that eating and drinking establishments are a permitted use within the PC-56 (North Newport Center Planned Community) Zoning District; however, alcohol sales require a Minor Use Permit.

The Zoning Administrator opened the public hearing.

Mr. Jim Mosher provided the following comments and inquires:

- The proposed project does not seem to fall in line with the City's move towards encouraging a healthy living environment.
- Although the term "bar" is used to described the area within the Whole Foods Market that serves alcohol, condition of approval number 15 states "This approval does not permit the premises to operate as a bar, tavern, cocktail lounge, or nightclub as defined by the Newport Beach Municipal Code." Benjamin Zdeba, Planning Technician, clarified that "bar" has its own definition within the Municipal Code and the condition is intended to prevent the market from closing the retail market portion and only opening the bar counter so as to operate as a bar establishment.

There were no other public comments. The Zoning Administrator closed the public hearing.

Zoning Administrator Wisneski made the following edits to the conditions of approval:

- Condition number three was changed to include "unless determined to be in substantial conformance by the Community Development Director".
- Condition number 11 regarding the use of outdoor noise amplification was removed.
- Condition number 12 was edited to remove a reference to a movie theater.

With the above edits, the Zoning Administrator approved the minor use permit application.

Action: Approved

4. PUBLIC COMMENTS ON NON-AGENDA ITEMS:

Jim Mosher, resident, stated the City agreed to post signage for public beach access at Beacon Bay per conditions of a three-way lease agreement with the City of Newport Beach, HOA and State Lands Commission and that the City has not provided appropriate signage. The Zoning Administrator informed Mr. Mosher that further research would have to be done to determine which City department is responsible for this condition.

ADJOURNMENT – The hearing was adjourned at 4:01 p.m.

The agenda for the Regular Hearing was posted on June 8, 2012, at 8:41 a.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building and on the City's website on June 8, 2012, at 11:20 a.m.



Brenda Wisneski, AICP, Zoning Administrator